

**BEST AVAILABLE COPY****Remarks**

Claims 1-36 are pending in the application. All claims stand rejected. Independent claims 1, 11, and 26 have been amended. Claim 12 has been canceled.

Claim 4 is objected to due to a misspelling. By this paper, claim 4 has been amended as required.

Claim 21 stands rejected under 35 U.S.C. § 112 as being indefinite. The Office Action states that one with ordinary skill in the art cannot understand what is meant by the term "doubly-indirect block." An applicant "can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification." MPEP 2173.01. Applicants are further not restricted to the terminology used in the prior art. MPEP 2173.05(a). The standard for definiteness is whether the claims, "read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention." Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613, 624 (Fed. Cir. 1985).

With respect to a doubly-indirect data block, the specification recites:

If a file contains more than 12 file system blocks of data ( $12 * 4\text{Kbytes} = 48\text{ Kbytes}$ ), then this data is identified by a pointer to an indirect metadata block 2030 and possibly a doubly-indirect metadata block 2050. The indirect metadata block 2030 points to up to 1024 additional data blocks 2040 ( $1024 * 4\text{Kbytes} = 4096\text{ Kbytes}$ ) and the doubly-indirect data block points to an additional 1024 indirect metadata blocks 2060, each of which point to an

**BEST AVAILABLE COPY**

additional 1024 file system blocks 2070 (resulting in an additional  $1024 * 1024 * 4$  Kbytes = 4,194,304 Kbytes or about 4.2 Gbytes). Triple indirect blocks (not shown) which point to doubly-indirect blocks may also be provided within the I-node.

Paragraph 12, page 41.

Doubly is defined as: "(1) to a double degree; twice: *doubly protected; made doubly certain*; (2) in a twofold manner." [www.dictionary.com](http://www.dictionary.com). Indirect is defined as: "involving intermediate or intervening parts or pathways." Thus, doubly-indirect is readily understood to signify twice involving intermediate parts or pathways. The dictionary definitions are harmonious with the specification which teaches that a doubly-indirect data block points to an indirect metadata block. The indirect metadata block in turn points to a data block. This understanding is made explicitly clear in Figure 20 of the present application which illustrates doubly-indirect blocks 2050 pointing to indirect blocks 2060 which point to data 2070. One of ordinary skill in the art understands what is meant by the term "doubly-indirect block." The term is supported by the specification and is consistent with its common definition. Indeed, in light of Figure 20 and accompanying text, one of less than ordinary skill in the art understands what is meant by the term "doubly-indirect block." Applicants respectfully request withdrawal of the rejection.

Claims 1-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0116705 to Perlman ("Perlman"). Claim 1 recites:

**BEST AVAILABLE COPY**

decrypting one or more of said encrypted multimedia channels stored in the first hard drive partition to generate one or more decrypted multimedia channels; and

storing said decrypted multimedia channels to a second hard drive partition prior to rendering said decrypted multimedia channels on a display.

Perlman teaches that demultiplexed streams are stored on mass storage 460. In response to a user request, the selection logic 550 directs a decoder module 170, 171 to read and decode one of the streams for rendering on a television or other display device 135, 136. Page 2, paragraph 31 and Figure 5.

Perlman has no teaching or suggestion of storing decrypted multimedia channels to a second hard drive partition, or to any partition or storage medium. Rather, in Perlman, streams are selected, then decoded, and then sent to a display. This technique creates delay that is avoided in the present invention. Perlman does disclose storage of demultiplexed streams. However, the demultiplexed signals are still encrypted and must await decoding by decoders 170, 171. In accordance with the teachings of claim 1, decrypted multimedia channels are stored on a second hard drive partition. Upon selection, there is no need to decrypt a channel and no accompanying delay. A selected channel is immediately available for rendering.

Claim 1 stands amended for clarification commensurate with the scope of the invention. Support is found for this amendment in Figure 16 and the accompanying text. Specifically, claim 1 requires that the decrypting is of channels that are *stored in the first hard drive partition*; and that storing decrypted channels is performed *prior to rendering said decrypted multimedia channels on a display*. Perlman does not teach

**BEST AVAILABLE COPY**

decryption and storage of channels with these limitations. As discussed above, encryption does not occur until the streams reach the decoders 170, 171. Perlman also does not teach that decrypted multimedia channels are stored on a hard drive prior to rendering on a display. An anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780 (Fed. Cir. 1985); MPEP § 2131. As Perlman does not disclose limitations of claim 1, Perlman cannot anticipate claim 1.

A further distinction is that claim 1 recites storing said encrypted multimedia channels in a first hard drive partition. The Office Action refers to buffers 445, 446 as being the first hard drive partitions. However, the buffers 445, 446 are explicitly shown as being RAM, whereas claim 1 requires a hard drive partition. As is well known in the art, a hard drive is a magnetic disk that provides non-volatile capability, whereas RAM is not a magnetic disk and only provides volatile storage. [www.webopedia.com](http://www.webopedia.com). A RAM provides random access and is not partitioned. Hard drives and RAMs are very different storage mediums, and the buffers 445, 446 cannot satisfy the hard drive partition element of claim 1.

Claim 2 further recites that the first hard drive partition is optimized for writing data. One example of this given in the specification is that a partition may be located at the outer edge of the disk to take advantage of the higher disk transfer rate at the outer edge. The Office Action generally refers to paragraph 0030 of Perlman for this teaching. A review of paragraph 0030 provides no indication of how the storage buffers 445, 446 are optimized for writing. Paragraph 0030 does state that "[t]his will avoid excess seeking of the mass storage device 460." However, this is indicative of

**BEST AVAILABLE COPY**

the advantage of using preliminary buffers and not that the buffers themselves are optimized for writing. As Perlman provides no teaching of a first hard drive partition optimized for writing data, claim 2 is not anticipated for this additional limitation.

Claim 7 further recites that the second hard drive partition is optimized for reading data. The Office Action generally refers to paragraph 0063 of Perlman for this teaching. However, Perlman provides no teaching of a hard drive partition, or any other storage medium, being optimized for reading. Storage of multimedia programs is disclosed, but there is no disclosure of the medium itself being optimized for reading.

Claims 3-6 and 8-10 depend from and include all limitations of claim 1. Accordingly, they represent patentable subject matter for at least the reasons recited above.

Claim 11 has been amended to include limitations similar to those recited in claim 1. For the reasons discussed above, claim 11 represents patentable subject matter. As claims 13-17 depend from and include all limitations of claim 11, they likewise represent patentable subject matter.

Claim 18 recites pre-allocating metadata to consecutive blocks on a mass storage device before writing data. Metadata is data about data to describe how, when, and by whom a particular set of data was collected, and how the data is formatted. [www.webopedia.com](http://www.webopedia.com). For this teaching, the Office Action generally refers to paragraph 0034 of Perlman. Paragraph 0034 teaches the configuration of different buffer sizes for different channels. In the given example, a preferred channel receives a larger buffer. There is absolutely no mention of pre-allocating metadata in

**BEST AVAILABLE COPY**

paragraph 0034. Indeed, Perlman never recites the term "metadata" or discusses its use. Configuring buffer size for channels based on user preferences cannot be reasonably interpreted as pre-allocating metadata to consecutive blocks before writing data. Perlman does not disclose exactly what is recited in claim 18 and cannot anticipate claim 18.

Claims 19-21 depend from and include all limitations of claim 18 and likewise represent patentable subject matter.

Claim 22 recites a block module to interleave multimedia content from each of said multimedia channels in successive blocks. For this teaching, the Office Action refers to Figure 12, item 1210. To interleave is to intersperse alternately. [www.dictionary.com](http://www.dictionary.com). This definition is consistent with the disclosure provided in Figure 18b and the accompanying text of the present application. Item 1210 of Perlman is a multimedia stream having second portions 1211, 1212, 1213, 1214. There is absolutely no teaching of the second portions being interleaved. The second portions 1211, 1212, 1213, 1214 may be entirely consecutive portions of a multimedia channel. The stream 1210 may further include consecutive portions of another multimedia channel. In this manner, interleaving is not involved. Perlman does not teach alternative interspersions of multimedia content and an interleaving teaching cannot simply be inferred where it does not exist. Accordingly, Perlman cannot anticipate claim 22.

Claims 23-25 depend from and include all limitations of claim 22 and likewise represent patentable subject matter.

**BEST AVAILABLE COPY**

Claim 26 recites an article of manufacture and includes similar language found in claim 1 and is patentable for the reasons discussed above. Claims 27-36 include all limitations of claim 26 and likewise represent patentable subject matter. Particular reference is made to claim 27 which includes similar language found in claim 2 and claim 32 which includes similar language found in claim 7.

The applicants wish to bring to the examiner's attention that Perlman may not be cited for obviousness under 35 U.S.C. 102(e)/103. "[S]ubject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the same time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.'" MPEP 706.02(k). Perlman and the present application were both, at the time of invention, owned by the same entity, Intreon Corporation of Palo Alto, California.

Based on the foregoing, the applicant respectfully submits that claims 1-11 and 13-36 are in condition for allowance. Reconsideration and early allowance of all pending claims herein is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By

  
Kory D. Christensen  
Registration No. 43,548

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999

BEST AVAILABLE COPY



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**